

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
OLD FAYETTEVILLE DIVISION
No. 3:94-CR-46-D
No. 5:21-CV-202-D

STEVEN DESMOND PETERSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

The court has reviewed the record. The court DISMISSES WITHOUT PREJUDICE petitioner's motion under 28 U.S.C. § 2255 [D.E. 739]. Because petitioner's section 2255 motion is "successive," and he has not received authorization from the United States Court of Appeals for the Fourth Circuit to file it, the court lacks jurisdiction to consider it. See, e.g., 28 U.S.C. § 2255(h); Gonzalez v. Crosby, 545 U.S. 524, 528–38 (2005); Richardson v. Thomas, 930 F.3d 587, 595–600 (4th Cir. 2019); Moses v. Joyner, 815 F.3d 163, 167–69 (4th Cir. 2016); United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003); cf. [D.E. 493, 499, 546, 547, 560, 611]. Alternatively, the claims fail on the merits. See Fed. R. Civ. P. 12(b)(6). The court also DENIES a certificate of appealability. See Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

SO ORDERED. This 20 day of May 2021.


JAMES C. DEVER III
United States District Judge